



U.S. BANKRUPTCY COURT
NORTHERN DISTRICT OF TEXAS

ENTERED

TAWANA C. MARSHALL, CLERK
THE DATE OF ENTRY IS
ON THE COURT'S DOCKET

The following constitutes the ruling of the court and has the force and effect therein described.

Signed February 5, 2014


United States Bankruptcy Judge

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

IN RE:

BUFFET PARTNERS, L.P., et al.

DEBTORS.¹

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CASE NO. 14-30699-11

CHAPTER 11

(Joint Administration Requested)

**INTERIM ORDER AUTHORIZING MAINTENANCE OF CERTAIN PREPETITION
BANK ACCOUNTS AND CASH MANAGEMENT SYSTEM**

On February 5, 2014, the Court considered the Emergency Motion to Authorize Maintenance of Certain Prepetition Bank Accounts and Cash Management System (the “Motion”)² filed by the above-captioned debtors (the “Debtors”). The Court finds that good causes exists for granting the relief requested in the Motion and granting the Motion is in the best interest of the Debtors’ estate and their creditors. The Court further finds that the Debtors will suffer immediate and irreparable harm if the Court denies the relief sought in the Motion. The

¹ The Debtors in these chapter 11 cases are Buffet Partners, L.P. and Buffet G.P., Inc.

² Capitalized terms not defined herein shall have the meaning given to them in the Motion.

Court further finds that adequate notice of this Motion has been given and no other notice needs to be given. Therefore, it is

ORDERED that the Motion is **GRANTED**. It is further

ORDERED that the Debtors are authorized to continue to use the Cash Management System. It is further

ORDERED that the Debtors are authorized to continue to use the prepetition depository, payroll and worker's compensation bank accounts listed on Exhibit A hereto, that are not otherwise marked as "Close" or "Closing." It is further

ORDERED that the only prepetition "ACHs", drafts or checks that may clear on any account are those drawn on Workers Compensation Claims DDA # *****7474 and Payroll Account (DDA) *****7458. It is further

ORDERED that each of the Debtors' Banks is authorized to debit the Debtors' accounts in the ordinary course of business without need for further order of this Court for: (i) all checks, items, and other payment orders drawn on the Debtors' accounts which are cashed at such Bank's counters or exchanged for cashier's checks by the payees thereof prior to the Bank's receipt of notice of filing of the Petition; (ii) all checks, automated clearing house entries, and other items deposited or credited to one of Debtors' accounts with such Bank prior to filing of the Petition which have been dishonored, reversed, or returned unpaid for any reason, together with any fees and costs in connection therewith, to the same extent the Debtors were responsible for such items prior to filing of the Petition; and (iii) all undisputed prepetition amounts outstanding as of the date hereof, if any, owed to any Bank as service charges for the maintenance of the Cash Management System. It is further

ORDERED that any of the Debtors' Banks may rely on the representations of the Debtors with respect to whether any check, item, or other payment order drawn or issued by the Debtors prior to filing of the Petition should be honored pursuant to this or any other order of this Court, and such Bank shall not have any liability to any party for relying on such representations by the Debtors as provided for herein. It is further

ORDERED that the United States Trustee shall receive notice of opening or closing of any of the Debtors' bank accounts. It is further

ORDERED that the Debtors shall print "Debtor in Possession" with case number on all checks. It is further

ORDERED that nothing herein waives compliance with Bankruptcy Code Section 365. It is further

ORDERED that the Debtors' banks are directed not to honor any checks or other withdrawals drawn on the Debtors' bank accounts for obligations prior to the Petition Date unless otherwise authorized by an Order of this Court. It is further

ORDERED that the Debtors will promptly serve a copy of this Order on the Banks.

All relief not expressly granted in this order is denied.

END OF ORDER

Prepared and submitted by:

/s/ John E. Mitchell

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PROPOSED ATTORNEYS FOR THE DEBTORS

Exhibit A

Account #	Bank	Use of Account	Account Description	Designation
<u>CORPORATE ACCOUNTS</u>				
*****7441	Wells Fargo	Corporate	Master Operating Account Depository account for	Depository
*****1246	Wells Fargo	Corporate	subaccounts	Depository
*****7391	Wells Fargo	All Stores	Mastercard/Visa Account	Depository
*****4282	Wells Fargo	Dynamic Foods	Dynamic Foods Depository/Wires	Depository
*****7458	Wells Fargo	Corporate	Payroll Account	Payroll Account
*****7474	Wells Fargo	Corporate	Workers Comp Liability Claims	Workers Comp Claims
*****8122	Wells Fargo	Dynamic Foods	Dynamic Foods A/P	Disbursement - Close
*****8130	Wells Fargo	Corporate	Restaurant Operations A/P	Disbursement - Close
*****5289	Wells Fargo	Corporate	Restricted Cash Account	Dormant - Close
***2671	Wells Fargo	Corporate	Investment Account	Dormant - Close
<u>DEPOSITORY SUB-ACCOUNTS</u>				
*****1485	Wells Fargo	Store # 101	Depository Odessa	Depository
*****1493	Wells Fargo	Store # 102	Depository Odessa Mall	Depository
*****1501	Wells Fargo	Store # 103	Depository Hobbs	Depository
*****1782	Wells Fargo	Store # 104	Depository Midland	Depository
*****1543	Wells Fargo	Store # 110	Depository Amarillo Depository Albuquerque	Depository
*****1550	Wells Fargo	Store # 115	Wyoming	Depository
*****1568	Wells Fargo	Store # 116	Depository Santa Fe	Depository
*****1584	Wells Fargo	Store # 123	Depository Amarillo Soncy	Depository
*****1592	Wells Fargo	Store # 128	Depository Clovis	Depository
*****5978	Bank of America	Store # 141	Depository Tulsa	Depository
*****1600	Wells Fargo	Store # 148	Depository Garland	Depository
*****2178	Wells Fargo	Store # 160	Depository Albuquerque	Depository
*****2194	Wells Fargo	Store # 175	Depository Farmington	Depository
*****1790	Wells Fargo	Store # 176	Depository Plainview	Depository
*****2236	Wells Fargo	Store # 190	Depository Lubbock	Depository
*****1618	Wells Fargo	Store # 191	Depository Fort Worth	Depository
*****1675	Wells Fargo	Store # 204	Depository McAllen	Depository
*****1725	Wells Fargo	Store # 228	Depository Gallup	Depository
*****1733	Wells Fargo	Store # 231	Depository Tucson	Depository
*****1741	Wells Fargo	Store # 232	Depository Richardson	Depository Closed Store - Closing
*****1758	Wells Fargo	Store # 234	Depository Dallas	Depository
*****1766	Wells Fargo	Store # 235	Depository Lubbock	Depository
*****1832	Wells Fargo	Store # 247	Depository Wheat Ridge	Depository Closed Store - Closing
*****1840	Wells Fargo	Store # 271	Depository Big Spring	Depository Closed Store - Closing
*****4074	Wells Fargo	Store # 273	Depository Wichita	Depository Closed Store - Closing
*8878	City National Bank	Store # 302	Depository Sulphur Springs	Depository
*****1535	Wells Fargo	Store # 308	Depository Las Cruces	Depository Closed Store - Closing
*****4082	Wells Fargo	Store # 311	Depository Moore	Depository
****5348	Simmons First Bank	Store # 312	Depository Fort Smith	Depository
*****8041	Wells Fargo	Store # 313	Depository Arlington	Depository

Account #	Bank	Use of Account	Account Description	Designation
*****0375	Wells Fargo	Store # 315	Depository Dallas	Depository
*****5956	Wells Fargo	Store # 316	Depository Spring	Depository Closed Store - Closing
*****1804	Wells Fargo	Store # 317	Depository San Antonio	Depository Closed Store - Closing
*****6204	Wells Fargo	Store # 318	Depository San Antonio	Depository
*****2464	Wells Fargo	Store # 319	Depository Plano	Depository
*****1774	Wells Fargo	Store # 500	Depository El Paso	Depository